

ZB# 02-69

James Nugent

19-4-75.1

#02-69 Nugent, James
Area 19-4-75.1

Prelim.

Nov. 25, 2002

Public Hearing:

Dec. 9, 2002

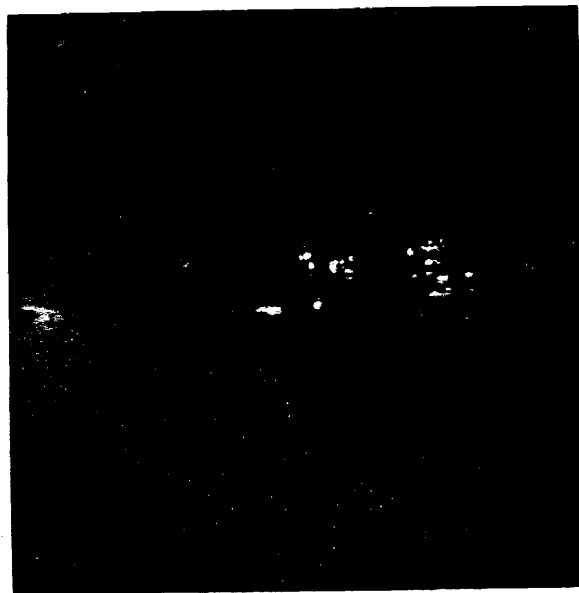
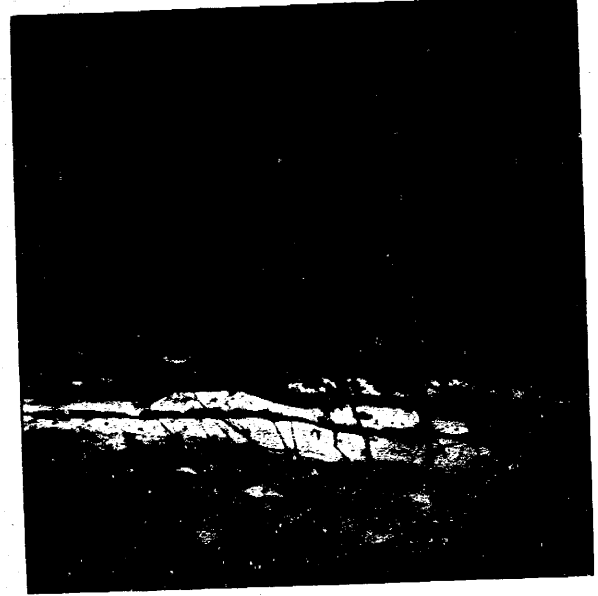
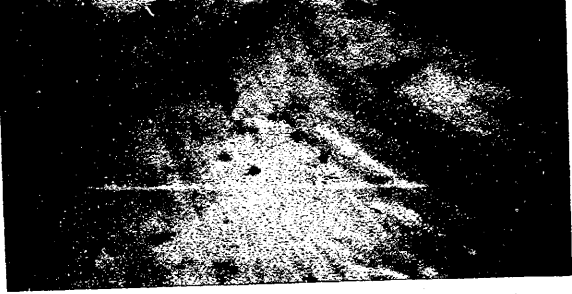
Approved

12/19/02

APPROVED

2-20-03





APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Nugent

FILE# 02-69

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00

CK 410
12/3/02

*

*

*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

CK 409
12/3/02

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE \$ 22.50

2ND PRELIMINARY- PER PAGE \$ _____

3RD PRELIMINARY- PER PAGE \$ _____

PUBLIC HEARING - PER PAGE \$ 27.00 12/9

PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 49.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: \$ 35.00

2ND PRELIM. \$ _____

3RD PRELIM. \$ _____

PUBLIC HEARING. \$ 35.00 12/9

PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____

TOTAL \$ 119.50

LESS ESCROW DEPOSIT \$ 300.00

(ADDL. CHARGES DUE) \$ _____

REFUND DUE TO APPLICANT .. \$ 180.50

LR 3/11/03

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 19-4-75.1

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

JAMES NUGENT, JR.

AREA VARIANCE

CASE #02-69

WHEREAS, JAMES NUGENT, JR., owners of 194 Quassaick Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 80 ft. minimum lot width and 50 ft. front yard setback to construct a single-family residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 9th day of December 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Gregory Shaw, P.E. of Shaw Engineering and the applicant appeared on behalf of this Application; and

WHEREAS, there was one spectator appearing at the public hearing; and

WHEREAS, the spectator expressed a question but, was not in opposition to the application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in the neighborhood of residential properties.
 - (b) The property is located on a private road.

- (c) The lot formerly conformed to the zoning requirements but, when the zoning law was changed to require that front yards be measured at the front yard setback, the lot then became non-conforming.
- (d) The lot is presently an undeveloped lot.
- (e) The spectator asked a question with respect to the existence of a Road Maintenance Agreement for the private road and was told by the applicant that such an agreement existed. A copy of the agreement was shown to the questioner.
- (f) The lot conforms to the present zoning requirements in all respects other than its road frontage and width, which formerly conformed as stated above.
- (g) In developing the lot, the applicant will not divert the course of water drainage or create the ponding or collection of water.
- (h) The home to be constructed on the lot will be similar in size and appearance to other homes existing in the neighborhood.
- (i) The home will be serviced by municipal water and sewer and will not be constructed over any water or sewer easements.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances.

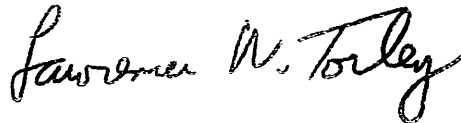
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an 80 ft. Minimum Lot Width and 50 ft. Required Frontage Yard Setback to construct a single-family dwelling in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: February 20, 2003



Chairman

**TOWN OF NEW WINDSOR
ENGINEER, PLANNING BOARD
AND ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: MARCH 12, 2003
SUBJECT: NUGENT ESCROW BALANCE - #02-69

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 180.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #02-69

NAME: JAMES NUGENT, JR.

ADDRESS: 194 QUASSAICK AVENUE

NEW WINDSOR, NY 12553

THANK YOU,

MYRA

*3/12/03
L.R.*



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

March 12, 2003

Mr. James Nugent, Jr.
194 Quassaick Avenue
New Windsor, NY 12553

SUBJECT: ZBA #02-69 - REQUEST FOR VARIANCE

Dear Mr. Nugent:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

sent 3/12/03

NUGENT, JAMES

MR. TORLEY: Request for 80' lot width, 50' street frontage to allow single family construction in R-4 zone.

Mr. Gregory Shaw of Shaw Engineering and Mr. James Nugent appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter? We need you to sign this.

MS. MASON: For the record, on November 27, 49 addressed envelopes went out containing the notice of public hearing.

MR. SHAW: for the record, my name is Gregory Shaw and I'm representing James and Kathleen Nugent and let the record show that Mr. Nugent is here with me tonight on this application. What I have passed out to the board is a tax map of the subject property consists of two parcels, one which is about one half acre in size and the other one which is a narrow 20 foot leg of a parcel which is about 1/10 of an acre in size. It's located in the R-4 zoning district. These are existing lots, they do not conform in the zoning ordinance and what we're proposing to do is combine those two lots into a building lot. The 20 foot leg that you see is part of Kayleen Drive, which is a private road that was created a long, long time ago, decades ago with the creation of those lots, so truly what we have is a flag lot. And in years passed, the New Windsor Zoning Ordinance was changed to eliminate flag lots. And by doing so, they had certain requirements with respect to road frontage and with respect to lot width. What we're asking for are for two variances tonight, one is for the lot width as we're obligated to provide a 100 foot wide lot, we have 20 feet of available space, therefore, requesting a variance of 80 feet and with respect to road frontage, we're requiring or the zoning ordinance requires 70 feet, again with the 20 foot leg, we're providing 20 feet and therefore, we're requesting a 50 foot variance. At our initial application before the board, you mentioned about possibly getting some

photographs and it's a wooded lot, it's a vacant, maybe the most appropriate photograph of all and unfortunately, it's in the snow is of Kayleen Drive so you can just get a sense of the neighborhood, but as I mentioned, the entire parcel is wooded. Right now, Mr. Nugent lives immediately to the north of that parcel and our request are for the two variances to enable to have a residence being built on that lot.

MR. TORLEY: Lot width comes into play because the zoning width was changed at the setback, not at the place where the house is because the lot you're going to place the house on meets all other requirements as far as footprint so you--

MR. NUGENT: Correct.

MR. SHAW: Yes.

MR. REIS: The pole part of the flag lot, it's fairly level, you have to cut some trees to access the property?

MR. SHAW: Not of the pole part, that's Kayleen Drive itself that's a surface that cars presently rode over to access other lots that are on Kayleen Drive, okay, I think the sketch shows two 20 foot legs, okay, Kayleen Drive pretty much goes right up the middle of that.

MR. TORLEY: Jim, there's a 2.4 acre lot?

MR. NUGENT: That belong to my house, it's part of my house.

MR. REIS: It's your intention to expand the access?

MR. SHAW: No, right now, Jim, surface of Kayleen Drive is what, paved?

MR. NUGENT: Blacktop.

MR. SHAW: And you'll have another house which will be accessing over the blacktopped drive.

MR. TORLEY: Jim, lot 54.1 is now vacant?

MR. NUGENT: The way they have it drawn here, my house is on that lot.

MR. TORLEY: And you have access, your house on that lot has access to 94 over this Kayleen Drive?

MR. NUGENT: That's correct.

MR. TORLEY: Make sure you're not cutting yourself off.

MR. NUGENT: No.

MR. KRIEGER: Once you sell off 75.1 or transfer it, you'll take back an easement over it to continue to use Kayleen Drive, correct?

MR. NUGENT: Correct, we all have easements.

MR. MC DONALD: How many other people use that driveway now?

MR. SHAW: How many other residents?

MR. NUGENT: There's three residents and Mrs. Belinsky.

MR. REIS: So we're not changing the character in any way, we're just getting permission.

MR. SHAW: To utilize a flag lot. Five years ago, this was probably a conforming lot, but when New Windsor decided that they wanted to eliminate flag lots and by doing so, you created minimum requirements for road frontage and the lot width is at the front yard setback line, this now became non-conforming, that's why we're here looking for relief but five, eight years ago there wouldn't have been a problem.

MR. REIS: Open it up to the public.

MR. TORLEY: Okay if there are no other questions, yes, ma'am?

MS. BELINSKY: I think the only question I have is about--

MR. TORLEY: Identify yourself for the record.

MS. BELINSKY: Sharon Belinsky at 10 Kayleen Drive. I believe that's lot number 58.

MR. BABCOCK: That's correct.

MR. TORLEY: Thank you and your question?

MS. BELINSKY: My concern is about Kayleen Drive itself at the present time, there's no agreement among residents along Kayleen Drive for maintenance of the roadway.

MR. NUGENT: Yes there is, I have a copy of it.

MS. BELINSKY: Of an agreement?

MR. NUGENT: Maintenance agreement, yes, we do, we did that when you wanted it.

MS. BELINSKY: My memory is that none of us could come to an agreement.

MR. NUGENT: Everybody is taking care of their own.

MS. BELINSKY: Everybody's taking care of their own?

MR. TORLEY: You're supposed to be talking, you remember?

MR. NUGENT: I'm explaining it to her.

MR. TORLEY: Whether or not there's a road maintenance agreement is not really relevant to our actions here, that's something you have to settle between yourselves and your insurance agents and all that. But do you have any objections to him having a house built on that piece of property?

MS. BELINSKY: No, I don't.

MR. TORLEY: You're going to do your drainage, do you have any other questions, ma'am?

MS. BELINSKY: I think it's a concern to the Town that the road is narrow and not being maintained in terms of its roads surface and I am concerned about that.

MR. SHAW: But that's nothing Mr. Nugent has any control over.

MR. TORLEY: I'll close the public hearing and open it back up to the members of the board.

MR. KANE: Jim, you're building the house, you're going to be cutting down trees?

MR. NUGENT: Yes.

MR. KANE: Creating any water runoff, drainage hazards, anything like that?

MR. NUGENT: No.

MR. KANE: House is similar, going to be similar in size to other homes in the neighborhood?

MR. NUGENT: Right.

MR. KRIEGER: Size and appearance duly noted.

MR. MC DONALD: Serviced by municipal water?

MR. NUGENT: Yes and sewer.

MR. TORLEY: So you won't be constructing over any sewer or water easements then?

MR. NUGENT: No.

MR. TORLEY: Gentlemen, do you have any other questions?

MR. KANE: Mr. Chairman, accept a motion?

MR. TORLEY: If there are no other questions, yes.

MR. KANE: Move we approve the request by James Nugent,

December 9, 2002

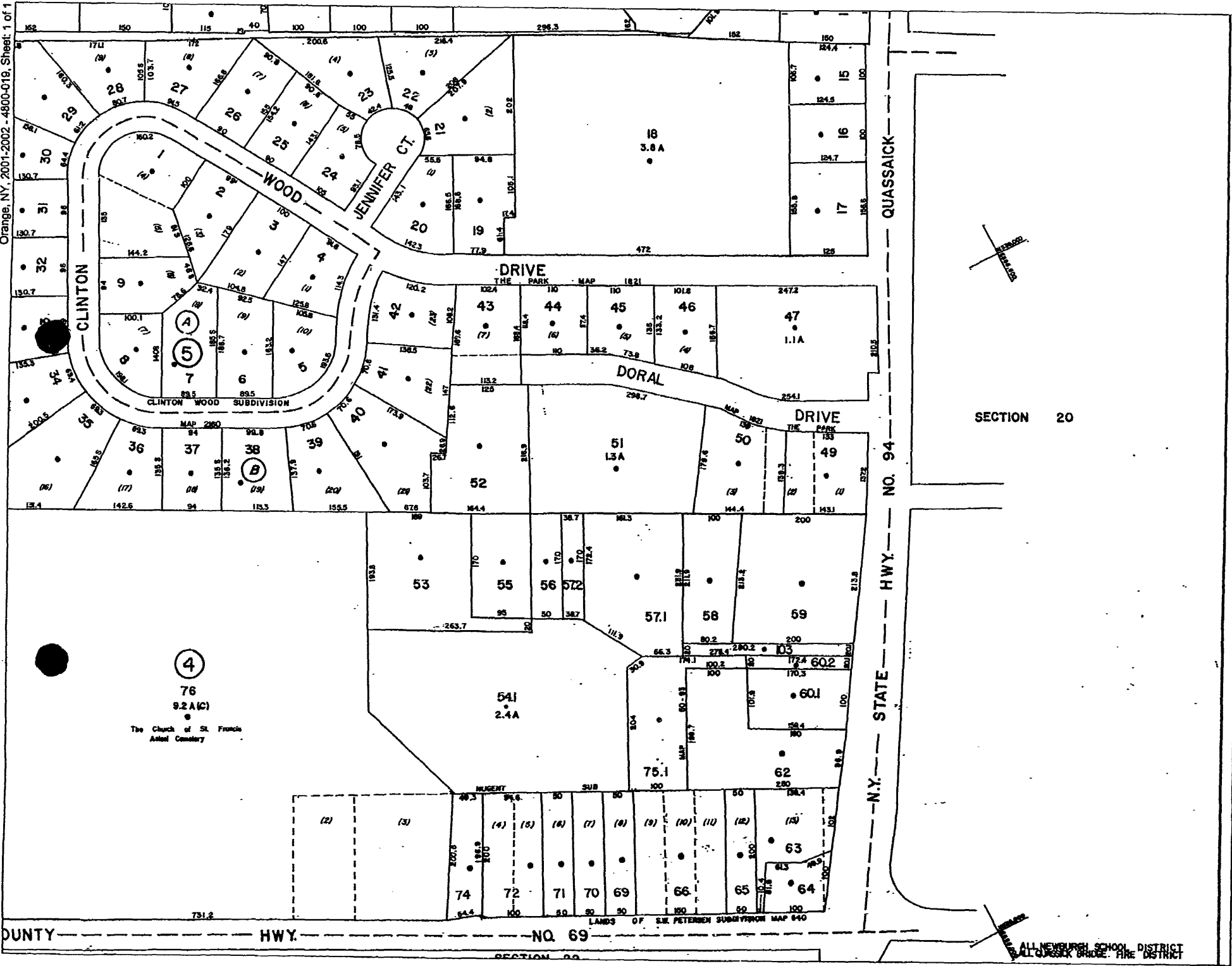
33

his requested variances on Kayleen Drive.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE



SECTION 20

QUASSAICK
STATE HWY. NO. 94
N.Y.

DUNTY HWY. NO. 69

ALL NEWBURGH SCHOOL DISTRICT
ALL QUASSAICK FIRE DISTRICT

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Prelim.
Nov. 25, 2002
#02-69.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 11/8/02

APPLICANT: James Nugent Jr.
194 Quassaick Avenue
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 11/6/02

FOR : Proposed Single Family

LOCATED AT: 194 Quassaick Avenue

ZONE: R-4 Sec/Blk/ Lot: 19-4-75.1

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Required lot width required is 100ft. Proposed is 20ft. The variance requested is 80ft.
2. Required street frontage required is 70ft. Proposed is 20ft. The variance requested is 50ft.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: Single Family

MIN LOT AREA:

MIN LOT WIDTH: 100ft

20ft

80ft

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE: 70ft

20ft

50ft

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A.. APPLICANT. FILE. W/ ATTACHED MAP

02-69

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED
NOV 06 2002
BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:

Building Permit #: PA 2002-1220

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises JAMES NUGENT

Address 21 KAYLEEN DRIVE NEW WINDSOR, NY Phone # (845) 562-2234

Mailing Address SAME AS ABOVE Fax # _____

Name of Architect N/A

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the S side of KAYLEEN DRIVE
(N, S, E or W)
and 240 feet from the intersection of UNION AND RT. 94
2. Zone or use district in which premises are situated R4 Is property a flood zone? Y N ✓
3. Tax Map Description: Section 19 Block 4 Lot 75.1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy VACANT LAND b. Intended use and occupancy SINGLE FAMILY RESIDENCE
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor N/A
- Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
N/A

10. Estimated cost _____

Fee

^d
\$50 ck 428

dtc 11/6/02

ZONING BOARD

PAID

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Kryohear
New Windsor Town Hall
655 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

(Owner's Stamp)

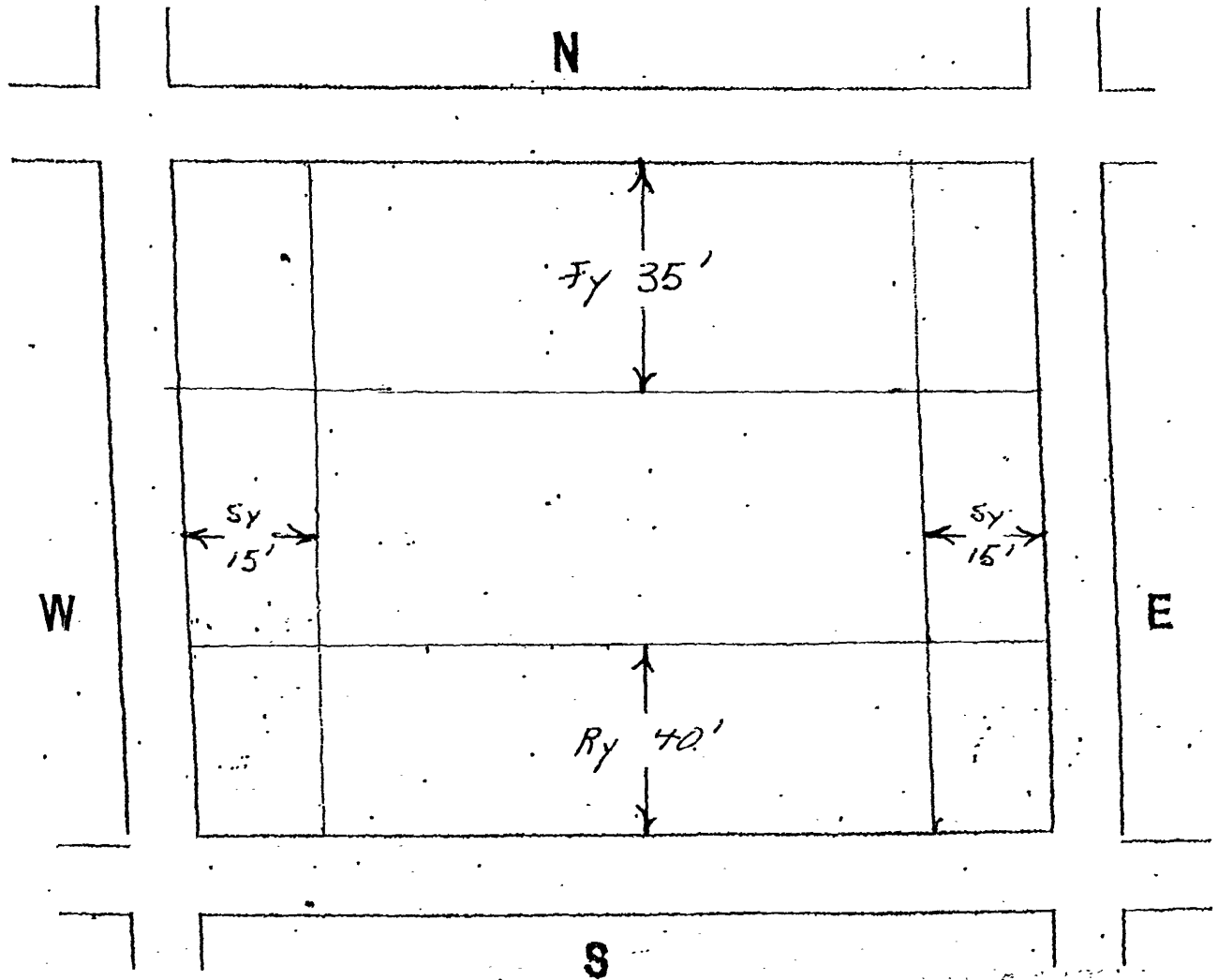
James Mergent

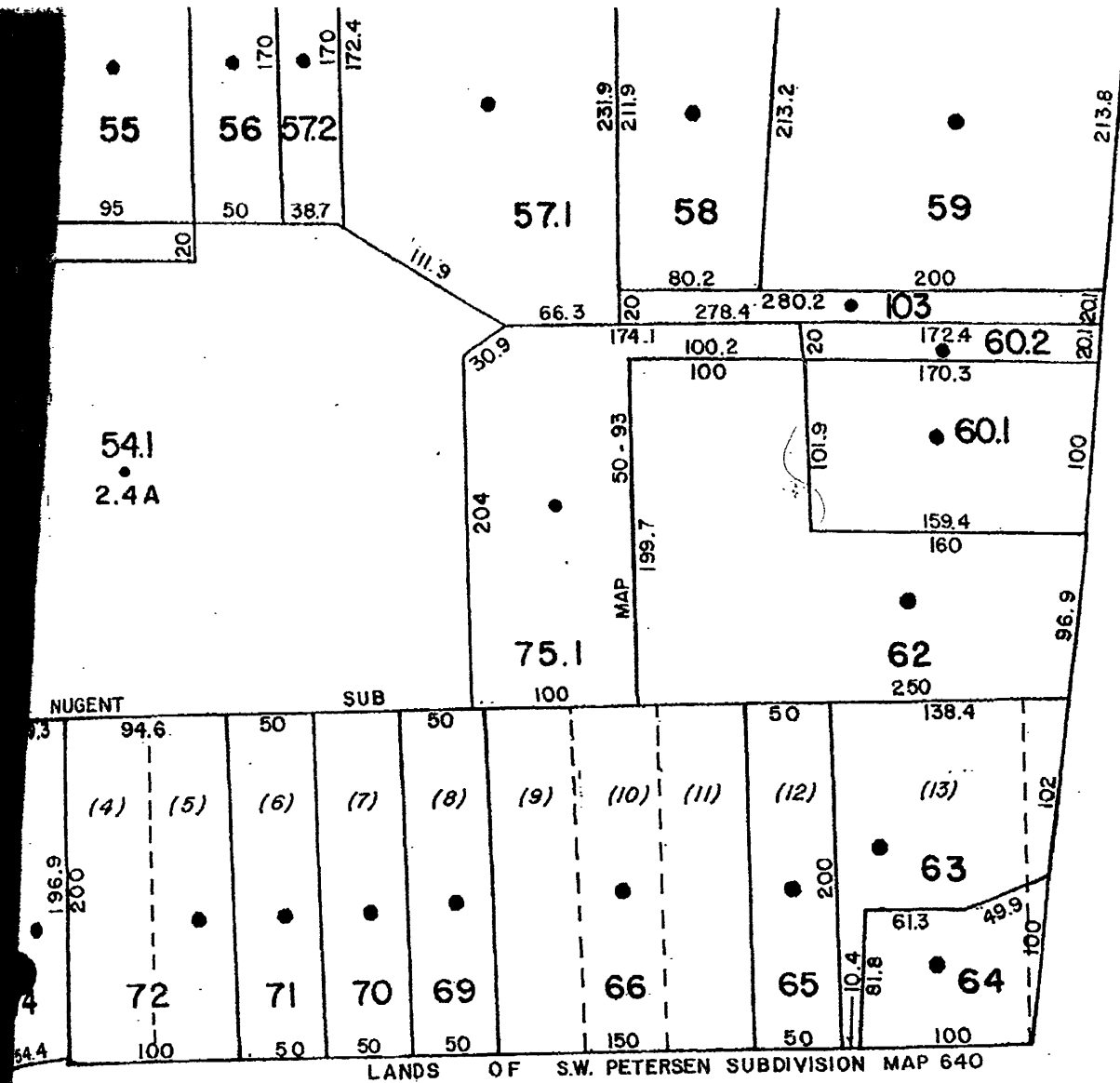
31 Haystack Dr New Windsor NY

PLOT PLAN

(Owner's Address)

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





NO. 69

SECTION 22

ORANGE COUNTY~NEW YORK

TOWN OF NEW WINSTON

14-31,32

Date of Map: 9-24-67

3-1-65

Date of Revision: 3-1-01

Section No.

19

ALL NEWBURGH SC
ALL QUASSICK BRIDGE



RESULTS OF Z.B.A. MEETING OF: Dec. 9, 2002

PROJECT: James Nugent

ZBA # 02-69
P.B.#

USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

NEGATIVE DEC: M)_____S)_____ VOTE: A___N___
 RIVERA _____
 MCDONALD _____ CARRIED: Y___N___
 REIS _____
 KANE _____
 TORLEY _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
 RIVERA _____
 MCDONALD _____ CARRIED: Y _____ N _____
 REIS _____
 KANE _____
 TORLEY _____

APPROVED: M)____S)____ VOTE: A____ N____
 RIVERA _____
 MCDONALD _____ CARRIED: Y____ N____
 REIS _____
 KANE _____
 TORLEY _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)____ S)____ VOTE: A____ N____
RIVERA _____
MCDONALD _____
REIS _____
KANE _____
TORLEY _____
CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) S) VOTE: A 5 N 0.

RIVERA	<u>Y</u>
MC DONALD	<u>Y</u>
REIS	<u>Y</u>
KANE	<u>Y</u>
TORLEY	<u>Y</u>

CARRIED: Y ☒ **N** ☐.

Approved

[illegible]

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X
In the Matter of the Application for Variance of

AFFIDAVIT OF
SERVICE
BY MAIL

James Nugent

02-69

-----X
STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

Patricia A. Corsetti, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside in New Windsor, Orange County, N. Y.

That on the 27 day of November, 2002, I compared the 49 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Corsetti

Sworn to before me this

____ day of _____, 20____.

Notary Public

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 02-69

Request of James And Katheleen Nugent

for a VARIANCE of the Zoning Local Law to Permit:

the utilization of 2 parcels of land as a building lot where

the lot is deficient in road frontage and lot width

being a VARIANCE of Section 48-12 Table of Bulk Regulations Columns

D & H

for property situated as follows:

South side of Kayleen Drive at its intersection with Quassaick Ave.

known and designated as tax map Section 19, **Blk.** 4 **Lot** 60.2 & 75.1

PUBLIC HEARING will take place on the 9th **day of** December,
20 02 **at the New Windsor Town Hall, 555 Union Avenue, New Windsor,**
New York beginning at 7:30 o'clock P.M.

Lawrence Torley

Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

November 25, 2002

Gregory Shaw
744 Broadway
Newburgh, NY 12550

RE: 19-4-60.2 & 19-4-75.1

Re: Nugent

Dear Mr. Shaw:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's office.

Sincerely,

John McDonald
Acting Assessor

JM/JJL
Attachments

Cc: Pat Corsetti, ZBA

(49 notes)

19-4-39
Robert J. & Patricia A. Trifilo
47 Clintonwood Dr.
New Windsor, NY 12553

19-4-40
Robert Scott & Patricia McMahon
49 Clintonwood Drive
New Windsor, NY 12553

19-4-41
Frank & Stephanie L. Bloomer
51 Clintonwood Drive
New Windsor, NY 12553

19-4-43
Jennie C. & Allen C. Stevens
24 Doral Drive
New Windsor, NY 12553

19-4-44
Kenneth C. & Joanne C. Moore
18 Doral Drive
New Windsor, NY 12553

19-4-45
Alphonso & Marie Edwards
14 Doral Drive
New Windsor, NY 12553

19-4-46
Michael A. & Pamela J. Vela
10 Doral Drive
New Windsor, NY 12553

19-4-47
Vincent T. & Christine R. Circhio
180 Quassaick Ave.
New Windsor, NY 12553

19-4-49
Rose C. Navarra
1 Doral Drive
New Windsor, NY 12553

19-4-50
Geri J. Wildenberg
5 Doral Drive
New Windsor, NY 12553

19-4-51
Sharon R. & John R. Betts
11 Doral Drive
New Windsor, NY 12553

19-4-52
Catherine Moore
10 Mrs. Plumstead
23 Doral Drive
New Windsor, NY 12553

19-4-53 & 19-4-55 & 19-4-56 & 19-4-57.2
Eileen Keeler
22 Kayleen Drive
New Windsor, NY 12553

19-4-54.1
James E. Jr. & Kathleen J. Nugent
21 Kayleen Drive
New Windsor, NY 12553

19-4-57.1
John Jr. & Colleen Babcock
14 Kayleen Drive
New Windsor, NY 12553

19-4-58
Sharon & Neil Belinsky
DBA Windsor Counseling Group
10 Kayleen Drive
New Windsor, NY 12553

19-4-59
George W. & Barbara Benninger
26 Old Pleasant Hill Rd.
New Windsor, NY 12553

19-4-60.1
Adam & Lisa V. Nogrady
PO Box 4467
Newburgh, NY 12550

19-4-62
George Botzakis
23 Clintonwood Drive
New Windsor, NY 12553

19-4-63 & 19-4-65 & 19-4-66
James E. Jr. & Kathleen J. Nugent
194 Quassaick Ave.
New Windsor, NY 12553

19-4-64
VSH Realty Inc. V0834
777 Dedham Street
Canton, MA 02021

19-4-69 & 19-4-70
Evald & Ingrid Glytov
& Ronald W. Laubenheimer
106 Union Ave.
New Windsor, NY 12553

19-4-71
Kelli L. Reinle
108 Union Ave.
New Windsor, NY 12553

19-4-72
Frank A. Bloomer & Stephanie L.
McMurtrie
51 Clintonwood Drive
New Windsor, NY 12553

19-4-74
Thomas J. & Carolyn Pacenza
114 Union Ave.
New Windsor, NY 12553

19-4-76
St. Francis Church Cem.
145 Benkard Ave.
Newburgh, NY 12550

19-4-103
John Jr. & Colleen Babcock
23 Myrtle Ave.
New Windsor, NY 12553

20-1-1
City School District of Newburgh
98 Grand Street
Newburgh, NY 12550

20-2-1
Marion K. Embler
191 Quassaick Ave.
New Windsor, NY 12553

20-2-2
John T. Jr. & Gail Blair
193 Quassaick Ave.
New Windsor, NY 12553

~~20-2-3~~
~~Anolvis Guilarte & Bernadette Cavallo-~~
~~Guilarte~~
~~195 Quassaick Ave.~~
~~New Windsor, NY 12553~~

~~20-2-4~~
~~Beverly Browne~~
~~197 Quassaick Ave.~~
~~New Windsor, NY 12553~~

~~20-2-5~~
~~Dawn Farrow~~
~~8 Tree Haven Lane~~
~~New Windsor, NY 12553~~

~~20-2-6~~
~~Antoinette Ferraiolo Life Estate & John F.~~
~~Ferraiolo~~
~~3 Archery Road~~
~~Newburgh, NY 12550~~

~~20-2-7~~
~~Hyman & Renee L. Slavin~~
~~99 Silver Spring Road~~
~~New Windsor, NY 12553~~

~~20-2-8~~
~~Armen R. & Jana M. Papazian~~
~~27 Silver Spring Road~~
~~New Windsor, NY 12553~~

~~20-2-9~~
~~Vernon L. & Claudia Couser~~
~~93 Silver Spring Road~~
~~New Windsor, NY 12553~~

~~20-2-10~~
~~Gertrude B. Weber~~
~~1 Treehaven Lane~~
~~New Windsor, NY 12553~~

~~20-2-11~~
~~Frank G. Maresco~~
~~3 Treehaven Lane~~
~~New Windsor, NY 12553~~

~~20-2-87 & 20-2-88 & 20-2-89~~
~~Rosemarie Callan~~
~~76 Union Ave.~~
~~New Windsor, NY 12553~~

~~20-2-90~~
~~Salvadore & Irene M. Paratore~~
~~640 Corwin Ave.~~
~~Glendale, CA 91206~~

~~20-2-91~~
~~Cathy D. McQuiston~~
~~82 Union Ave.~~
~~New Windsor, NY 12553~~

~~20-2-92~~
~~Stanley J. & Martha J. Fornal~~
~~205 Quassaick Ave.~~
~~New Windsor, NY 12553~~

~~20-2-93.1~~
~~Richard A. & Beth A. Fiore~~
~~Box 1150~~
~~Newburgh, NY 12550~~

~~20-2-93.2~~
~~Frank A. Scarbaci~~
~~25 Fernandez Drive~~
~~New Windsor, NY 12553~~

~~20-2-93.3~~
~~Michael R. Forrester & Kathleen Cummings~~
~~23 Fernandez Drive~~
~~New Windsor, NY 12553~~

~~22-1-1~~
~~Woodlawn Cemetary~~
~~93 Union Ave.~~
~~New Windsor, NY 12553~~

~~23-1-1~~
~~Haralambos Kostopoulos~~
~~C/O Chevron Auto Repair~~
~~PO Box 90~~
~~Blauvelt, NY 10913~~

~~23-1-53.11~~
~~MR Associates LLC~~
~~1 Garret Mountain Plaza~~
~~8th Floor~~
~~West Paterson, NJ 07424~~

12/9/02 Public Hearing: Nugent, James #02-69.

Name:

Address:

No Objection Sharon Belinsky 10 Kayleen Dr., N.W.

NUGENT, JAMES

MR. TORLEY: Request for 50 ft. road frontage and 80 ft. lot width variance to allow construction of single-family residence on Kayleen Drive in an R-4 zone.

Mr. Gregory Shaw of Shaw Engineering and Mr. James Nugent appeared before the board for this proposal.

MR. TORLEY: I want to welcome back Mr. Nugent who most of you know him as for many years served on this board and served as the chairman and taught me what little I know, so please.

MS. CORSETTI: He's the reason why we have a revised agenda, couldn't tell him to go away and come back next month.

MR. TORLEY: Please proceed.

MR. SHAW: I'll try and be quick because you have a long agenda tonight. Again, for the record, my name is Greg Shaw from Shaw Engineering. With me tonight is James Nugent who is going to be the applicant before the board. What we're asking for are two variances on a residential lot. You'll notice tax map that I have submitted to you it's located on Kayleen Drive encompasses two parcels of land, one which is approximately 100 feet by 200 foot in dimensions and another one which is relatively small, about 170 feet in length and 20 feet wide. Combined, what they constitute is really a flag lot. And what we're proposing is to get a variance in order to put a house on there and to do that we need two variances, one for lot width, which is measured at the front yard setback line. And as you'll notice with this 20 foot leg extending from Route 94 we're going to need a variance for that dimension and also with road frontage according to the rejection from the building inspector, we have to provide a minimum road frontage dimension, again, we're only providing 20 feet again because of a flag lot. We're not trying to create these parcels, these parcels exist, we're just trying to utilize them

and in order to do so for a house to be constructed on this half acre plus parcel, we need those two variances.

MR. TORLEY: Quick question. Are there in fact properties on lots 59, 58 and 57.1, are they built on?

MR. NUGENT: Yes.

MR. TORLEY: All three of them have buildings, so this, is there a road running down to those three now?

MR. NUGENT: It's a common driveway, it's a private drive.

MR. TORLEY: Is it feasible to combine this making all of them feeding off the driveway or now under a private road designation?

MR. BABCOCK: If he asked everybody and they say yes, which I'm sure they're going to say no, if all the neighbors that--

MR. TORLEY: If those other two neighbors agree, he would be permitted to use the, to share that driveway.

MR. BABCOCK: No, he would have to turn it into a private road, that's an existing shared driveway long before the rules.

MR. TORLEY: But so he would have to make the width and all that?

MR. BABCOCK: That's correct, then there would be a cost involved, they'd have to bring it up to private road specs.

MR. TORLEY: I don't know what the existing driveway is or what you're planning is or whether that would improve the value of the homes commensurate with the cost of doing it, if that were done, then he would need no other variances.

MR. NUGENT: I can never, I could never do that before.

MR. BABCOCK: Yes, you're correct, if it becomes a private road and goes through in front of his property, then he's got the lot width and everything else and road frontage.

MR. TORLEY: That's an option that you might have if you wanted to try it.

MR. NUGENT: Never been able to do it before. I've been there 60 years, never been able to do it before. I highly doubt it can be done now. Actually, there's more than three on that road, this is the last house that can be built on the road according to the private road standards.

MR. TORLEY: You can put 5 on a private road?

MR. BABCOCK: Six if they have road frontage on the Town road.

MR. TORLEY: And three of them do.

MR. BABCOCK: Right.

MR. TORLEY: Please help me out, so there's buildings on all these three and these two?

MR. NUGENT: This one faces 94, there's only these two. There's mine and next door neighbor's is here, I use the same road, this is not really, this retains the same width all the way up to the top.

MR. TORLEY: But that's a shared driveway.

MR. NUGENT: Yes, we have a maintenance agreement on it but it's a shared driveway. Maintenance agreement is everybody takes care of their own piece.

MR. TORLEY: I live on the private road, too, I know the difficulties you have. We'll go ahead with this, if you want to try and make it a private road, clean it up, this would be the time to do it. If you don't want to--

MR. NUGENT: No, it's not gonna happen.

MR. BABCOCK: One thing agenda says is 19-4-54.1, I don't think that's correct. I think that's Mr. Nugent's house.

MR. NUGENT: It is.

MR. BABCOCK: So we need to correct that.

MR. NUGENT: 75.1.

MR. BABCOCK: It's 19-4-75.1 is what you're in front of tonight with?

MR. NUGENT: Yes.

MR. BABCOCK: Instead of 54.

MR. TORLEY: A lot easier when you built your house, wasn't it, than it is now?

MR. NUGENT: My house has been there for 27 years.

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: I've got a question, Greg, are there any issues with topo that we had to deal with here?

MR. SHAW: No.

MR. REIS: It's all level?

MR. SHAW: It's a buildable lot.

MR. REIS: I mean the access, is that going to impact anything?

MR. BABCOCK: No, it's fairly flat, it's just barely uphill, yeah.

MR. REIS: I'm good, thanks.

MR. TORLEY: Motion.

MR. KANE: I move we set up James Nugent for a public hearing on his requested variances.

MR. MC DONALD: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

02-69

Date: Nov. 20, 2002

I. Applicant Information:

- (a) James & Katherine Nugent, 21 Kayleen Drive, New Windsor, NY 12553 562-2234
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

☐ Use Variance
☒ Area Variance

☐ Sign Variance
☐ Interpretation

III. Property Information:

- (a) R-4 Vacant Land-Kayleen Drive 19-4-75.1 0.5 Ac.
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
(a) NC Vacant Land-Kayleen Drive 19-4-60.2 0.1 Ac.
- (b) What other zones lie within 500 feet? None
- (c) Is pending sale or lease subject to ZBA approval of this Application? No
- (d) When was property purchased by present owner? 1975
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No. If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? No

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

(Describe proposal) _____

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area Variance:

(a) Area variance requested from New Windsor Zoning Local Law,
Section 48-12 Table of Bulk Regulations Regs., Col. D & H

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width	100 Ft.	80 Ft.
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*	70 Ft.	50 Ft.
Max. Bldg. Hgt.	20 Ft.	
Min. Floor Area*		
Dev. Coverage*		
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** Non-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe

why you believe the ZBA should grant your application for an area variance:

See Attached Narrative

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? _____.

VII. Interpretation.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____.

- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Inspector or Planning Board.
☒ Copy of tax map showing adjacent properties.
☒ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
____ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
____ Copy(ies) of sign(s) with dimensions and location.
☒ Two (2) checks, one in the amount of \$ 150 and the second check in the amount of \$ 500, each payable to the TOWN OF NEW WINDSOR.
☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: November 20, 2002

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.


(Applicant)

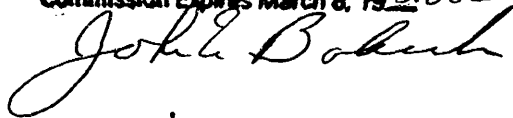
Sworn to before me this

20 day of November, 2002.

JOHN T. BABCOCK
Notary Public, State of New York
Reg. # 01BA5009351
Qualified in Orange County
Commission Expires March 8, 192003

XI. ZBA Action:

(a) Public Hearing date: _____



Applicant: James & Katherine Nugent

The subject two parcels are a 0.5 acre lot located in an R-4 Zoning District and a 0.1 acre lot located in a NC Zoning District. Both parcels are vacant, and both are located on Kayleen Drive, a private drive located on the west side of Quassaick Avenue. Kayleen Drive presently provides access to 4 residences.

Combined these two lots constitute a "flag lot" that is connected to a state highway. In years past New Windsor revised their Zoning Ordinance to eliminate the creation of "flag lots". Because of these zoning amendment(s) the subject combined lot cannot be utilized as a building lot as it is deficient in both road frontage and lot width.

The justification for the Variances is that the lots were created prior to the zoning amendment(s) prohibiting flag lots. The hardship to the Applicant is that if he cannot use the property for a single family residence, there is no other permitted use for the property.

The granting of the two subject Variances is not substantial, and is not detrimental to the health, safety, or welfare of the neighborhood as there is at least one residence on a flag lot parcel on Kayleen Drive. The granting of the Variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district. The granting of the Variances will not produce an undesirable change in the neighborhood or be a detriment to adjoining properties

There is no other method that the Applicant can feasibly pursue other than the Variances sought in this Application. In view of all the facts and circumstances presented to this Board, the Applicant respectfully requests that the Variances sought be granted.

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # 02-69.

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF New York)
COUNTY OF Orange) SS.:

K. Skatel, being duly sworn, deposes
and says: I am the owner of lot 19-4-60.2 & 75.1,
the record owner of
a certain parcel of land within the TOWN OF NEW WINDSOR
designated as tax map SECTION 19 BLOCK 4 LOT 60.2 & 75.1.
I HEREBY AUTHORIZE James Nugent of
21 Rayken Drive (company name)
to make an application before the ZONING BOARD OF APPEALS as
described in the within application.

Dated: 12/3/02.

K. Skatel
(Signature of Corporate Officer)
Title: _____

Sworn to before me this

20 day of November, 2003.

John T. Babcock
Notary Public

(ZBA DISK#1-012996.CP)

JOHN T. BABCOCK
Notary Public, State of New York
Reg. # 01BA5009351
Qualified in Orange County
Commission Expires March 8, 19 2003

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: DECEMBER 3, 2002

FROM: JAMES E. NUGENT JR.


21 KAYLEEN DRIVE

NEW WINDSOR, NY 12553

CHECK NUMBER: 409

AMOUNT: \$300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

12/4/02

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

JAMES E. NUGENT JR.
21 KAYLEEN DRIVE
NEW WINDSOR, NY 12553
(845) 582-2234

409

Date 12/3/02

50-7879/257
1258

Pay to the
Order of

Town of New Windsor

\$ 300.00

Three Hundred & ⁰⁰/₁₀₀

Dollars

☒ Security features
are included.
Check on back.



For #02-69

James E. Nugent Jr.

⑆ 22697879 ⑆ ⑆ 258018520009 ⑆ 0409

GUARDIAN SAFETY BLUE WOOL

Memo:

*Copies in
file #02-69
(Nugent)*

P.

ZBA #02-69
Application fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#1146-2002

12/04/2002

Nugent Jr., James E.

**Received \$ 50.00 for Zoning Board Fees, on 12/04/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

JAMES E. NUGENT JR.
21 KAYLEEN DRIVE
NEW WINDSOR, NY 12553
(845)562-2234

410

Date 12/3/02

50-7879/2219
1258

Pay to the
Order of

Town of New Windsor \$50⁰⁰
Fifty & 00/100

Dollars



Amount in words
must be written
on back of check



Hudson
Valley
Community College

Newburgh, New York 12550

For

#02-69

James E. Nugent Jr.

⑆ 22197879 ⑆ 12580185 20009104 ⑆ 0